

Matthew Franklin Jaksa (CA State Bar No. 248072)  
HOLME ROBERTS & OWEN LLP  
560 Mission Street, 25<sup>th</sup> Floor  
San Francisco, CA 94105-2994  
Telephone: (415) 268-2000  
Facsimile: (415) 268-1999  
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,  
BMG MUSIC; UMG RECORDINGS, INC.; SONY  
BMG MUSIC ENTERTAINMENT; ARISTA  
RECORDS LLC; CAPITOL RECORDS, INC.; and  
WARNER BROS. RECORDS INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BMG MUSIC, a New York general partnership; UMG RECORDINGS, INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; ARISTA RECORDS LLC, a Delaware limited liability company; CAPITOL RECORDS, INC., a Delaware corporation; and WARNER BROS. RECORDS INC., a Delaware corporation.

**Plaintiffs,**

V.

JOHN DOE,

Defendant.

ORIGINAL  
FILED  
SEP 20 2007  
RICHARD W. WILHELM  
CLERK OF THE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND, CALIFORNIA

007-04873 JSW  
CASE NO.

**EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
 2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
 3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
 6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
 7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe  
 8 ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online media  
 10 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to  
 11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
 12 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time  
 13 of Defendant's infringing activity.

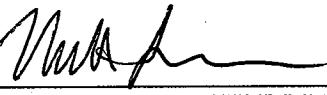
14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
 15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
 16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
 17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
 18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
 20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
 22 foregoing requested discovery immediately.

23 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

24 By: 

25 MATTHEW FRANKLIN JAKSA  
 26 Attorney for Plaintiffs  
 27 BMG MUSIC; UMG RECORDINGS, INC.; SONY  
 28 BMG MUSIC ENTERTAINMENT; ARISTA  
 RECORDS LLC; CAPITOL RECORDS, INC.; and  
 WARNER BROS. RECORDS INC.